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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,542	01/02/2002	Masayuki Endo	60188-446	5588

20277 7590 09/16/2003

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WASHINGTON, DC 20005-3096

EXAMINER

CHACKO DAVIS, DABORAH

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 09/16/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/032,542

Applicant(s)

ENDO ET AL.

Examiner

Daborah Chacko-Davis

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,280,898 (Hasegawa et al).

Hasegawa, in col 1, lines 62-67, in col 2, lines 1-15, and lines 43-67, in col 5, lines 58-60 and formulae 3a, and 5a, in col 4, lines 16-28, and in col 35, lines 40-46, discloses a patterning method comprising applying a resist composition (chemically amplified resist material) on a substrate to form a resist film wherein the resist composition comprises a polymer (that does not have a hydroxyl or a carboxylic group, and does not include an aromatic group), a lactone-containing compound, and a photoacid generator that generates acid upon exposure to light, exposing the resist film to excimer laser or x-rays (a wavelength range of 1nm to about 30nm) through a photomask, and developing the resist film to form a resist pattern. Hasegawa, in col 26, lines 57-67, in col 27, lines 35-40, discloses that the resist composition includes an aromatic compound (a basic compound) such as aniline that does not generate acid

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upon exposure (claims 1, and 3-9). Hasegawa, in col 4, lines 64-67, in col 5, lines 1-35, discloses that the lactone group is an adamantly lactone group (claim 2).

### ***Response to Arguments***

3. Applicant's arguments, see paper no. 7, filed on June 26, 2003, with respect to the rejection(s) of claim(s) 1-9 under 35 U.S.C. § 102 as being anticipated by U. S. Patent No. 6,103,447 (Chen et al) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art U. S. Patent No. 6,280,898 (Hasegawa et al).

A) Applicants argue that Chen teaches a base polymer that includes a hydroxyl group due to its solubility in aqueous solution, and that the base polymer taught by Chen is an aromatic group.

Chen has been withdrawn. However, Hasegawa, in col 2, lines 44-67, and in col 3, lines 42-46, and lines 58-59, and in formulae 3a, 4a, and 5a discloses the claimed base polymer that does not include an aromatic group, a hydroxyl group or a carboxylic group.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daborah Chacko-Davis whose telephone number is (703) 306-5923. If the examiner is unavailable, you may contact her supervisor, Mark F. Huff at (703) 308-2464. FAX communications should be sent to the appropriate FAX


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number; (703) 872-9311 for After Final Responses only or (703) 872-9310 for all other responses. FAXES received after 4:00 P.M. will not be processed until the following business day.

dcd

  
September 9, 2003



MARK F. HUFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700